

Message Text

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ACTION FBO-01

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R 121732Z DEC 73

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TO SECSTATE WASHDC 9300

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TAGS: ABLD, PN, PQ

SUBJ: COLON CONSULATE PROPERTY NOS. 12121 AND 13132
AND RESIDENCE PROPERTY NO. 02132.

REF: PANAMA 6680

1) FOREIGN MINISTER TOLD ME TODAY PANAMA EXPECTS TO PROMULGATE IN JANUARY THE REGULATIONS UNDER WHICH FOREIGN GOVERNMENTS MAY OWN PROPERTY IN PANAMA FOR DIPLOMATIC AND CONSULAR PURPOSES. AFTER THAT HE SAID HE WOULD AS UNILATERAL ACT GIVE USG TITLE TO RESIDENCE PROPERTY NUMBER 02132. IF USG THEN DECIDED AS UNILATERAL ACT TO GIVE GOP TITLE TO COLON PROPERTIES GOP WOULD ACCEPT. REQUESTED ACTION: THAT I BE AUTHORIZED TO INFORM FOREIGN MINISTER THAT USG WILL GIVE GOP TITLE TO COLON PROPERTIES AND THAT USG HAS NO OBJECTION IF GOP TAKES POSSESSION OF PROPERTIES PENDING RECEIPT OF TITLE.

2) I DISCUSSED WITH FOREIGN MINISTER TACK ON DECEMBER 5 POSSIBLE ARRANGEMENT TO RESOLVE ISSUE ON COLON PROPERTIES. I REITERATED THAT USG CONSIDERED IT HAD TO RECEIVE FAIR VALUE FOR COLON PROPERTIES AND THAT FOR EXAMPLE FEE SIMPLE TITLE TO RESIDENCE GROUNDS WHICH WE NOW HELD ONLY ON LEASE WOULD CONSTITUTE FAIR VALUE. FOREIGN MINISTER SAID THAT HE THOUGHT IT MIGHT BE POSSIBLE TO WORK OUT SOMETHING.

3) IN CONVERSATION DECEMBER 12 FOREIGN MINISTER SAID
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THAT HE COULD NOT ENTER INTO MEMORANDUM OF UNDERSTANDING

PROVIDING FOR EXCHANGE OF TITLES. GOP HAS OWN LEGAL POSITION ON COLON PROPERTIES AND COULD NOT DO ANYTHING INCONSISTENT WITH THAT POSITION (A-154 OF JULY 18, 1973). (I WOULD NOTE L/T VIEW IS SAME AS LEGAL VIEW OF GOP.) GOP WOULD AS UNILATERAL ACT HOWEVER GIVE USG TITLE TO RESIDENCE PORPERTY. USG COULD THEN AS UNILATERAL ACT DECIDE TO GIVE GOP TITLE TO COLON PROPERTIES. I SAID THAT EFFECT WOULD BE SAME AS WHAT I HAD SUGGESTED AND I THOUGHT THAT DEPARTMENT WOULD AGREE.

4) I CONSIDER FOREIGN MINISTER'S FORMULATION AN AMICABLE AND ACCEPTABLE SOLUTION ON COLON PROPERTIES, ESPECIALLY SINCE THERE IS LEGAL QUESTION WHETHER USG HAS RIGHT TO RETAIN PROPERTIES IF THEY ARE NOT UTILIZED FOR CONSULAR PURPOSES. AS PRACTICAL MATTER GOP ALREADY HAS POSSESSION (PANAMA 6680). ARRANGEMENT WOULD GIVE USG LEGAL TITLE TO VALUABLE PIECE OF REAL ESTATE IN DOWNTOWN PANAMA CITY AS OPPOSED TO COLON PROPERTY WHICH BECAUSE OF REZONING IS NOW LOCATED IN WARHOUSE AREA.

5) ACCORDINGLY, I RECOMMEND THAT I BE AUTHORIZED TO INFORM GOP THAT USG WILL GIVE PANAMA TITLE TO COLON PROPERTIES AND THAT GOP MAY ENTER ON AND USE PROPERTIES NOW.
SAYRE

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